

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, November 8, 2005

Tuesday, 9:14 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Patsy Ellis, Deputy City Clerk; present.

David Kimble, Baha'i gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the November 1, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

RECOGNITION

MILITARY APPRECIATION AND RECOGNITION FOR VETERAN'S DAY.

Mayor Mayans

Mayor Mayans stated that November 11 is a very special day for our nation and that today we are going to recognize and pay a special tribute to our current military men and women and well as to recognize and show appreciation for our Veterans. Also stated that because of this special ceremony, we have asked our Fire Department Honor Guard to post our Colors.

The Fire Department Honor Guard posted the Colors. After the Colors had been posted, Veterans in the Council Chambers were invited by Mayor Mayans to join him behind the podium. Several of the Veterans coming forward were City employees. Special recognition was given to Colonel Jerry Martinez, Tom Sanders and Carl Everist.

Colonel Jerry Martinez is the Vice-Commander of the 22nd Air Refueling Wing at McConnell Air Force Base in Wichita and is responsible for providing world-class air refueling to meet presidential and national objectives around the globe. Colonel Martinez is a Command Pilot with more than 3,700 hours including flying the KC135R, the 141 B and the C5. Colonel Martinez is representing all the Team McConnell, many of which are currently serving our country abroad.

Tom Sanders, Director of the Federal Department of Veteran's Affairs, Wichita Division. The Wichita Regional Office administers the Veterans' benefits to nearly 27,000 Veterans throughout the State of Kansas.

Carl Everist, retired from U.S. Army, was a Prisoner of War in Korea. He hailed from Fort Riley, Kansas, and served in the Army from 1949 to 1954. He also received a Purple Heart.

PROCLAMATIONS

The following Proclamations were read by Mayor Mayans.

- Military Appreciation and Recognition Week
- Epilepsy Awareness Month
- Hire a Vet

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CITIZEN ACADEMY CITIZEN ACADEMY GRADUATES.

Mayor Mayans recognized the Citizen Academy Graduates.

Dana Brown Dana Brown, District Advisory Board Supervisor, presented certificates to the graduates.

PUBLIC AGENDA

Sandy Pickert Abstinence Education Inc. of Wichita-Sandy Pickert, Executive Director.

Sandy Pickert, Executive Director, Abstinence Education Inc., stated that she was here to share information as the Project Director of the Pure and Simple Lifestyle Project, funded by a federal grant that was received from the Department of Health and Human Services to run September 30, 2005 through September 29, 2006, and renewable for two more years.

This \$770,800 annual Community-based Abstinence Education Grant is administered by the Administration for Children and Families. Ms. Pickert stated they were very honored to be one of 63 grantees out of over 400 organizations in the country that applied for the grant. Also that their project, Pure and Simple Lifestyle, focuses on youth development for ages 12 through 18, targeting at risk middle and high school students in Sedgwick and McPherson Counties.

CONSENT AGENDA

Mayans requested that Item 8a be pulled and deferred one week so that someone can make a presentation before the Council.

Mayans moved that Consent Items 1 through 18, except Item 8a, be approved as presented. Motion carried 7 to 0.

BOARD OF BIDS REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED NOVEMBER 7, 2005.

Bids were opened November 4, 2005, pursuant to advertisements published on:
PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Hydraulic from the north line of 63rd Street South to 200 feet south of 57th Street south to provide four lane traffic and rebuild the bridge south of 57th Street South (472-84118/706922/205388) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Cornejo & Sons Construction - \$1,927,816.40

Timberidge Circle to serve Timber Lakes Estates 4th Addition - north of Harry, west of 159th Street East. (472-84253/765953/490066) Does not affect existing traffic. (District II)

Kansas Paving Company - \$48,663.00

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Fieldcrest Street from the west line of Lot 21, Block A, west and north to the south line of Maxwell; Maxwell from the east line of Fieldcrest Street west to the west line of Prescott; Prescott from the north line of Maxwell south to the south line of Savannah; Savannah from the east line of Prescott west to the west line of the Plat; Fieldcrest Circle from the north line of Fieldcrest Street north to and including the cul-de-sac; Maxwell Circle from the east line of Maxwell east to and including the cul-de-sac; Prescott Circle (Lots 43 thru 53, Block A) from the north line of Prescott north to and including the cul-de-sac; Prescott Circle (Lots 1 thru 10, Block C) from the south line of Prescott south to and including the cul-de-sac; Sidewalk on Fieldcrest Street, Maxwell, Prescott and Savannah to serve Southern Ridge 2nd Addition - south of Pawnee, west of Maize. (472-84098/765955/490068) Does not affect existing traffic. (District V)

Kansas Paving Company - \$217,745.24

Gouverneur Circle to serve Killarney Plaza East Addition - north of 29th Street North, west of Rock) (472-84225/765950/490063) Does not affect existing traffic. (District I)

Kansas Paving Company - \$109,843.00

Water Distribution System to serve Killarney Plaza East Addition (north of 29th Street North, west of Rock) (448-90077/735269/470940) Does not affect existing traffic. (District I)

Mies Construction - \$22,015.00

2005-2006 CDBG Asphalt ROW Repairs - north of 31st Street South, east of Hillside. (472-84275/092005/) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Cornejo & Sons Construction - \$50,000.00 (Engineer's estimate)

Lateral 6, Main 13, Sanitary Sewer #23 to serve Falcon Falls 2nd Addition - north of 45th Street North, west of Hillside. (468-84065/744147/480835) AND Lateral 7, Main 13, Sanitary Sewer #23 to serve Falcon Falls 2nd Addition - north of 45th Street North, west of Hillside. (468-84066/744148/480836) Does not affect existing traffic. (District I)

Utility Contractors - \$573,513.00 (Total aggregate bid)

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Polymer for use in the Wastewater Solids.

Chemtreat, Inc. - \$85,971.60* (Group 1/Total Net Bid)

*Estimate – Contract approved on unit cost basis.

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT & FLOOD CONTROL DIVISION: 18" and 24" Rip-Rap.

Martin Marietta - \$67,450.00 (Group 1/Total Net Bid)

Motion--

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
William H. Smith	Wichita State University dba Rhatigan Student Center*	1845 Fairmount
John J. Murphy	Pizza Hut #301008*	1708 East Pawnee
John J. Murphy	Pizza Hut #301020*	8977 West Central
John J. Murphy	Pizza Hut #301046*	333 East 47th Street South
John J. Murphy	Pizza Hut #301065*	2181 North Rock Road
John J. Murphy	Pizza Hut #301073*	1035 North Broadway

<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Jayanti B. Patel	Food Mart #210	10723 West Kellogg
Don Farquhar	Rolling Hills Country Club Golf Shop	9612 West Maple

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Water Distribution System to serve Fox Ridge Addition - north of 29th Street North, east of Maize. (448-90023/735275/470946) Does not affect existing traffic. (District V) - \$103,840
- b) 2005 Sanitary Sewer Reconstruction (Planeview), Phase 11 - south of Pawnee, east of Hillside. (468-83923a/620378/663499) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$121,219
- c) Traffic signal at Maize & Newmarket Square to serve Newmarket Square Addition - north of 21st Street North, west of Maize) (472-84276/765961/490075) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$130,000
- d) Aksarben from the south line of the Plat, north to the north line of Lot 19, Block A; Decker from the east line of Aksarben, north to the south line of Kiwi; Kiwi from the east line of Aksarben, east to the west line of Lot 7, Block E; Aksarben Court from the west line of Aksarben, west to and including the cul-de-sac; Sidewalk on one side of Aksarben, Decker and Kiwi to serve Copper Gate North Addition - north of 13th Street North, west of 135th Street West. (472-84104/765934/490047) Does not affect existing traffic. (District V) - \$424,000
- e) Den Hollow from the north line of Westlakes Parkway to the east line of Lot 119, Block 1; Westlakes Parkway from the west line of Den Hollow to the east line of Den Hollow; Wild Thicket Court serving Lots 119 through 130, Block 1, from the north line of Wild Thicket to and including the cul-de-sac; Den Hollow Court serving Lots 130 through 141, Block 1, from the north line of Den Hollow to and including the cul-de-sac to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (472-84213/ 765937 /490050) Does not affect existing traffic. (District V) - \$255,000
- f) Wild Thicket from the north line of Westlakes Parkway to the east line of Lot 119, Block 1; Wild Thicket Courts, serving Lots 105 through 119, Block 1 to serve Fox Ridge Addition (north of 29th Street North, west of Tyler) (472-84214/765962/490076) Does not affect existing traffic. (District V) - \$243,200

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- g) Westlakes Parkway from the west line of Lot 101, Block 1, to the west line of Lot 146, Block 1; Sidewalk on the north side of Westlakes Parkway to serve Fox Ridge Addition (north of 29th Street North, west of Tyler) (472-84277/765963/490077) Does not affect existing traffic. (District V) - \$118,000
- h) 2005-2006 CDBG sidewalk improvements - north of Central, east of Seneca. (472-84164/092005/) Traffic to be maintained during construction using flagpersons and barricades. (District I, III, IV) - \$100,000
- i) I-235 and Zoo Boulevard median modifications to extend left turn lane southeast of Westdale/I-235 - I-235 & Zoo Blvd. (472-83986/706889/204355) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$300,000
- j) Water distribution system to serve Evergreen 5th Addition - south of 29th Street North, west of Maize. (448-90013/735278/470949) Does not affect existing traffic. (District V) - \$78,000
- k) Lateral 11, Main 7 Northwest Interceptor Sewer to serve Evergreen 5th Addition - south of 29th Street North, west of Maize. (468-83900/744146/480834) Does not affect existing traffic. (District V) - \$146,000
- l) Lateral 373 Four Mile Creek Sewer to serve Prairie Pond Plaza Addition - north of Kellogg, east of 143rd Street East. (468-83940/744122/480810) Does not affect existing traffic. (District II) - \$122,000
- m) Lateral 381 Four Mile Creek Sewer to serve Brentwood South Addition - north of Pawnee, east of Webb. (468-84071/744143/480831) Does not affect existing traffic. (District II) - \$103,000
- n) Water Distribution System to serve Brentwood South Addition - north of Pawnee, east of Webb. (448-90111/735274/470945) Does not affect existing traffic. (District II) - \$97,000
- o) Yosemite from the southwest line of Lot 17, Block B, north to the northwest line of the plat; Dallas from the southeast line of Greenfield; Sidewalk on Yosemite and Dallas to serve Southern Ridge 2nd Addition - south of Pawnee, west of Maize. (472-84188/765942/490055) Does not affect existing traffic. (District V) - \$183,000
- p) Greenfield from the south line of Dallas, south and east to the east line of the plat; Dallas from the east line of Lot 23, Block A, to the east line of Lot 22, Block A; Dallas Circle from the east line of Lot 22, Block A, east to and including the cul-de-sac; Sidewalk on Greenfield and Dallas to serve Southern Ridge 2nd Addition - south of Pawnee, west of Maize. (472-84191/765964/490079) Does not affect existing traffic. (District V) - \$176,000
- q) Lateral 330 Four Mile Creek Sewer to serve Meadowland Addition - north of Kellogg, east of 143rd Street East. (468-83415/744150/480838) Does not affect existing traffic. (District II) - \$104,000
- r) Water distribution system to serve Southern Ridge 2nd Addition - south of Pawnee, west of Maize. (448-90009/735272/470943) Does not affect existing traffic. (District V) - \$102,000

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

PETITIONS FOR PUBLIC IMPROVEMENT

FAIRMONT 3RD

CONSTRUCT PAVING AND DRAINAGE IMPROVEMENTS IN THE FAIRMONT THIRD ADDITION, WEST OF 127TH STREET EAST, NORTH OF 21ST STREET. (DISTRICT II)

Agenda Report No. 05-1003

The Petitions have been signed by one owner, representing 100% of the improvement districts.

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The projects will provide paving and drainage improvements within a residential development located west of 127th St. East, north of 21st.

The Petitions totals \$375,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-567

Resolution of findings of advisability and Resolution authorizing constructed pavement on N. 127th Ct. East from the East line of the Plat West to and including cul-de-sac, (west of 127th Street East, north of 21st Street) 472-84136 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-568

Resolution of findings of advisability and Resolution authorizing constructing left turn bay improvements on 127th Street East to serve North 127th Ct. East. 472-84138, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-569

Resolution of findings of advisability and Resolution authorizing construction of storm water drain 248 (west of 127th Street East, North of 21st) 468-83936, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

KRUG NORTH

SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE KRUG NORTH SECOND ADDITION, NORTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 05-1004

On August 2, 2005, the City Council approved Petitions for sanitary sewer and water distribution system to serve Krug North 2nd Addition. The developer has submitted new Petitions to reallocate special assessments to equalize total assessments within the development and reflect recent platting activity. The signature on the petitions represents 100% of the improvement districts.

These projects will serve a new residential development located north of 21st, west of 143rd Street East.

The original Petitions total \$266,000. The revised Petitions total \$345,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

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RESOLUTION NO. 05-570

Resolution of findings of advisability and Resolution authorizing construction of lateral 378, Four Mile Creek Sewer (North of 21st, West of 143rd Street East) 468-84054, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-571

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90095 (north of 21st, west of 143rd Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

DEEDS/ESMTS.

DEEDS AND EASEMENTS:

- a) Drainage Easement dated August 22, 2005 from R and B Development, L.L.C., a Missouri limited liability corporation over a tract of land lying in a portion of Lot 7, Block 1, Regency Park Third Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- b) Drainage Easement dated September 1, 2005 from Socora Village Company over a tract of land lying in a portion of Lot 26, Block 7, Evergreen, an addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City
- c) Utility Easement dated July 29th, 2005 from Fox Ridge Development Company, Inc., over a tract of land lying in a portion of Lots 60, 61, 62 and 63, Block 4, Fox Ridge Addition, an addition to Wichita, Sedgwick County, Kansas together with a utility easement lying in a portion of Lots 51, 52, 53, and 54, Block 4, Fox Ridge Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City
- d) Drainage and Utility Easement dated September 26, 2005 by Vantage Point Waterfront Properties, LLC; KCBB, INC; Delta Data Systems, Inc., over a tract of lying in a portion of Lot 4, Block 1, The Waterfront Addition, an Addition to Wichita, Sedgwick County, Kansas, being located in the Southwest Quarter of Section 9, Township 27 South, Range 2 East, of the 6th Principal Meridian, (OCA# 607861), No Cost to City
- e) Dedication dated September 19th, 2005 from Jeff Bannon Auction & Realty, Inc., by Jeff W. Bannon, President over a tract of land lying in the North 1/2 of the Northeast 1/4 of Section 6, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA# 633715). No Cost to City.
- f) Permanent Drainage Easement dated September 2, 2005 by Cereal Food Processors, Inc., a Kansas Corporation over a tract of land lying in portions of Lots 2,4,6, and 8 fronting on Pearl Street, of Carey Avenue Addition, in the City of Wichita, Sedgwick County, Kansas (OCA# 715235). No Cost to City.
- g) Drainage Easement dated August 24, 2005 from Paula M. Barker over a tract of land lying in a portion of Lt 6, Block 2, Shelly's Orchard Addition, in the City of Wichita, Sedgwick County, Kansas (OCA # 607861) No Cost to City.
- h) Sanitary Sewer Easement dated August 26, 2005 from Mark Griggs and Jana Griggs, husband and wife, over portions of Lots 3 and 4, Block A, Burleson Addition, Wichita, Sedgwick County, Kansas (OCA#607861). No Cost to City.

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- i) Dedication for Street Right of Way dated October 19, 2005 from W.E. Lusk, Jr., Trustee of the Aetna Trust UTA dated August 24, 1966 over a tract of land lying in a portion of the SE1/4 of Sec.23, Twp. 27-S, R-2-E of the 6th P.M., Sedgwick County, Kansas lying north of the north line of Meadowland Addition, Wichita, Sedgwick County, Kansas, (OCA 633760). No Cost to City.
- j) Corrected Grant of Easement dated September 24, 2004 from Lake Ridge Development, LLC over a tract of land lying over Lot 3, Block 20, Oak Cliff Estates Addition, Wichita, Sedgwick County, Kansas (OCA #751371) No Cost to City.
- k) Dedication dated October 19, 2005 from George E. Laham, Manager of Laham Development Company over a tract of land lying in a portion of the Southeast Quarter of Section 9, T27S, R2E, 6th P.M., Sedgwick County, Kansas, (OCA # 706929) No Cost to City.
- l) Dedication dated October 19, 2005 from Greenwich 13, L.L.C., over a tract of land lying in a portion of the South Half of the Southeast Quarter of Section 9, T27S, R2E, 6th P.M., Sedgwick County, Kansas, (OCA # 706929), No Cost to City.
- m) Drainage Easement dated October 19, 2005 from Greenwich 13, L.L.C., over a tract of land lying in a portion of the South Half of the Southeast Quarter of Section 9, T27S, R2E, 6th P.M., Sedgwick County, Kansas, (OCA #706929), No Cost to City.
- n) Sanitary Sewer Easement dated September 29, 2005 from C & C Realty, L.L.C., over a tract of land lying over a portion of the South half of the Northwest Quarter of Section 3, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, (OCA # 744115), No Cost to City.
- o) Sanitary Sewer Easement dated October 25, 2004 from Slawson Commercial Properties, L.L.C., over a tract of land lying over a portion of the Northeast Quarter of Section 9, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, (OCA# 744115), No Cost to City.
- p) Waterline Easement dated September 29, 2005 from C & C Realty, L.L.C., over a tract of land lying over a portion of the South half of the Northwest Quarter of Section 3, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, (OCA # 735279), No Cost to City.
- q) Dedication dated February 16, 2005 from RRM Properties, L.L.C., over a tract of land lying in a portion of the Southeast Quarter of Section 9, T27S, R2E, 6th P.M., Sedgwick County, Kansas, (OCA # 706929) No Cost to City.
- r) Easement dated March 2, 2005 from Consolidated Greenwich 21, L.L.C., over a tract of land lying in a portion of Lots 1 and 2, Block 1, Regency Lakes Commercial 2nd Addition, an Addition to Wichita, Sedgwick County, Kansas together with a strip in Reserve "A" of said Addition (OCA# 706929) No Cost to City.
- s) Dedication dated March 11, 2005 from Harold M. and Joli K. Sutter, over a tract of land in the Southwest Quarter of Section 3, T27S, R2E, 6th P.M., Sedgwick County, Kansas (OCA # 706929) No Cost to City.
- t) Dedication dated September 13, 2005 from C & C Realty, L.L.C., over a tract of land in the Northwest Quarter of Section 3, T27S, R2E, 6th P.M., Sedgwick County, Kansas (OCA # 706929) No Cost to City.
- u) Dedication dated March 2, 2005 from Laham Holding Company, L.L.C., over a tract of land lying in a portion of the Northwest Quarter of Section 3, T27S, R2E, 6th P.M., Sedgwick County, Kansas (OCA #706929) No Cost to City.

Motion--carried

Mayans moved that the documents be accepted. Motion carried 7 to 0.

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STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

Agenda Item No. 05-1005

30th Annual Turkey Trot-Saturday, November 19, 8:00 a.m.-10:00 a.m.

- Sim Park Drive to Amidon just south of 13th Street at the bike path, (streets will be opened/barricades removed as last runner pass)

Wichita Symphony Orchestra Young People's Concert, November 8-10, 9:00 a.m. – noon.

- Section of Century II Drive from Main Street north to Douglas Avenue
- Perimeter Drive around east side of Century II

KS Sports Hall of Fame Grand Opening, Thursday, November 17, 10:00 a.m. - Noon

- 238 N. Mead from Second Street south to edge Security Title (to allow use of adjacent parking lot)

Bradley Fair/Ronald MacDonald House Event, Friday, November 25, 4:00-6:00 p.m.

- Bradley Fair Parkway from Rock Road east & north to 21st Street

Christmas Tree Lighting and Night of Santa, Thursday, December 8, 5:30 – 7:00 p.m.

- Sycamore from old railroad track site north to First/McLean
- First Street from McLean east to Waco
- Waco from First Street south to Douglas
- Douglas from McLean east to Water
- McLean from First Street south to Douglas

Motion--

Mayans moved that the City Council approve the request subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.

--carried

Motion carried 7 to 0.

AGREEMENTS/CONTRACTS:

(Agenda Item No. 8a)
MINORITY BUS.

WICHITA MINORITY BUSINESS DEVELOPMENT COUNCIL.

(This Item was pulled from the Agenda and deferred one week so that a presentation can be made to the Council)

George Kolb

City Manager stated that he would ask someone to make the presentation.

BROOKS LANDFILL PROFESSIONAL SERVICES FOR BROOKS LANDFILL, C & D FACILITY. (DISTRICT VI)- SUPPLEMENTAL.

Agenda Report No. 05-1007

On December 21, 2004, The City Council approved an Agreement for Professional Services for a permit modification for the second phase of filling with construction and demolition (C&D) waste at the Brooks Landfill.

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As the design was being undertaken it was discovered that current survey information was not available for the area when the Phase II filling will occur and for the area where the yard waste composting site is proposed to be expanded.

The Supplemental Agreement provides for a ground survey of the new fill area and the yard waste composting area to ensure the maximum possible air space will be developed and all drainage systems will function properly.

The Supplemental Agreement is for a fee of \$3,900. The original Agreement was for a not-to-exceed total of \$44,383.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

TRANSIT SERVICE

TRANSIT SERVICE AGREEMENT FOR OAKLAWN IMPROVEMENT DISTRICT. DISTRICT III)

Agenda Report No. 05-1008

For the past several years, Wichita Transit has provided fixed-route and paratransit van service to the Oaklawn Improvement District. Currently, Sedgwick County reimburses Wichita Transit for the actual cost of providing such service according to a year-by-year contractual agreement. The purpose of this action is to establish the contractual agreement for 2005, with option years through 2007.

Wichita Transit operates one fixed-route, which provides service the Oaklawn area. Paratransit service is also provided to Oaklawn based on ADA guidelines (which require service in areas in which fixed-route service is provided). In 2005, an estimated 736 hours of fixed-route service will be provided. The estimated hourly cost for this service is \$44.58 (\$61.66 per hour less revenues and federal funding credit). Paratransit service cost is estimated at \$15.40 per trip, with an estimated 20 trips per month to be provided in 2005.

Based on the projected service levels, the total projected revenue from the 2005 agreement will be \$26,950 after deducting passenger revenues and federal credit. The adopted 2005 budget includes the expenditure authority necessary to provide the service.

City Council approval is required for contracts in excess of \$25,000.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

PURCHASED RIDES

SUBSIDY INCREASE OF ADA-PURCHASED RIDES.

Agenda Report No. 05-1009

The current Purchased Transportation program that enables Wichita Transit to satisfy federal ADA requirements began in 1991. At that time, Wichita Transit subsidized rides that were being provided by private operators (mostly human service agencies) to the disabled in lieu of expanding Wichita Transit Special Services in-house. Subsidy rates were negotiated with agencies on an individual basis and, in some cases, included leasing wheelchair-accessible vans for \$1.00 per year as additional subsidy support. Those subsidy rates varied from \$1.50 to \$3.00 per trip, depending on the agencies operations and whether or not vehicles were leased to the agencies as part of the subsidy. Those rates have not changed since then, and the van lease program has been discontinued.

Over the last year, Wichita Transit staff met with agencies that have elected to participate in the Purchased Ride Program. Based on those meetings, a proposed increase in subsidy has been arrived at. The subsidy rate would be \$4.00 for ambulatory and \$5.00 for wheelchair passengers until December 31, 2006. During the course of 2006, staff will be working with the agencies to address their increasing

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costs issues and explore alternatives to afford a more equitable subsidy, considering WT's budget and available revenues.

Based on the existence of carry-over funds, plus money from FTA, KDOT, and the City, sufficient funds exist for the program through year 2007 at the \$4.00/\$5.00 rate. Beyond 2007 shortfalls begin to show, particularly if increases in subsidy or rides are realized.

The ADA provides for the purchase of ADA paratransit rides provided the level of service to individuals is the same as that offered by the City. The terms of the Purchased Ride Agreement require monthly reporting to ensure a similar level of service.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

CHANGE ORDERS.

CENTRAL CORR.

CENTRAL CORRIDOR RAILROAD IMPROVEMENT. (DISTRICT VI)

Agenda Report No. 05-1010

On March 8, 2005, the City Council approved a construction contract with Dondlinger & Sons, Inc. to construct Central Corridor Railroad Improvements. A number of work items have developed since the project was designed and let that should be addressed by a change order:

Reimbursement for lost salvage because existing rails that were to have been salvaged and retained by the contractor are needed for reuse by the Great Plains Railroad Museum. \$25,306

Ballast needed for the Railroad Museum that was to have been delivered by BNSF rail cars has been made impractical because of the construction sequencing and confined work space. Ballast salvaged from a previous railroad project has been made available by the contractor for this project. \$22,092

A ballast screen system is needed to prevent ballast from entering area drainage inlets. \$9,600

Additional storm sewer and sanitary sewer relocation and reconstruction is needed. \$1,940

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The cost of the additional work is \$58,938, with the total paid by a combination of City-at-Large funds, Federal grants administered by the Kansas Department of Transportation and railroad funds. The original contract is \$57,444,085. This Change Order plus a previous change order represent .39% of the original contract amount.

This Change Order plus previous change orders is within the 25% of construction contract cost limit set by City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

SAND PLUM

SAND PLUM ADDITION IMPROVEMENTS, WEST OF WEBB AT 43RD STREET NORTH. (DISTRICT II)

Agenda Report No. 05-1011

On February 15, 2005, the City Council approved a contract with Cornejo & Sons, Inc for paving improvements in Sand Plum Addition. It has since been determined that additional site grading is

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necessary to direct storm water runoff away from adjacent properties. In addition, a storm sewer manhole needs to be lowered.

A Change Order has been prepared for the cost of the additional work. Funding is available within the project budget.

The cost of the additional work is \$15,908 with the total paid by special assessments. The original contract amount is \$149,468. This Change Order represents 10.64% of the original contract amount. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQ.

PROPERTY ACQUISITION: TEMPORARY EASEMENT FOR INTEGRATED LOCAL WATER SUPPLY.

Agenda Report No. 05-1012

On August 3, 1993 the City Council approved the Water Supply Plan prepared by Burns & McDonnell/MKEC Engineering Consultants. The Plan identified cost-effective water resource projects to meet the City's future water needs. On October 10, 2000 City Council approved the projects and implementation of the plan. One portion of the Water Supply Plan is the groundwater recharge project which includes the capture of above base flow water (water which is generated from rainfall runoff above the base river flow) in the Little Arkansas River, the transfer to and storage of captured water in the aquifer, and the recovery and use of this water to meet future demands for the City of Wichita.

Twenty-two sites were identified as necessary for the location of a twenty-four inch water line to serve recharge/recovery wells, recharge well, or recharge basins. Fourteen of the twenty-two have been secured. One additional landowner (Koehn) of the identified sites have agreed to provide a temporary construction easements to the City of Wichita for a respective \$1,390, or the equivalent to \$1,500 per acre.

A budget of \$1,590 is requested; this includes \$1,390 for acquisition and \$200 for title work, title insurance and closing costs. Funding for this project is included in the CIP in W-549, Water Supply Plan Phase III, which has an available funding of over \$7.6 million

Motion--
--carried

Mayans moved that the Budget and permanent easement be approved and the necessary signatures authorized. Motion carried 7 to 0.

CONTS/AGMNTS

CONTRACTS AND AGREEMENTS, BLANKET PURCHASE ORDERS RENEWAL OPTIONS, OCTOBER 2005.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

BIKE TRAIL ADD.

TRANSPORTATION ENHANCEMENT APPLICATION-BROOKS/BUCKNER BIKE TRAIL ADDITION. (DISTRICT I)

Agenda Report No. 05-1013

Recently, the newest addition to the K-96 Bike trail was completed for an area reaching from Oliver to Hillside and into Grove Park. Located nearby the new pathway are adjacent school sites; Brooks Middle School and Buckner Elementary school. The Park and Recreation Department, in cooperation with USD 259, wishes to create a trail connection to the new pathway. This trail link can play an important role in developing outreach programming for environmental education within the school

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curriculums, as well as increase awareness for healthy behavior in reducing the national epidemic of childhood obesity.

The current path creates an open loop, which follows Chisholm Creek. The proposed trail link will close this loop, allowing direct pathway access for youth in the local communities who wish to commute by bicycle. This pathway connection will also provide a direct link for local field trips without having to backtrack around the loop to return to campus. This new path extension and path loop provides economies of time promoting exercise activities and scientific awareness through nature field studies with the natural flora and fauna found around the Chisholm Creek Greenway. It will also provide additional contact with the real, natural world, containing the next century's challenges.

The cost of the pathway is estimated to be \$93,340 in 2008 dollars. If the application were granted to the City, the City would be responsible to fund a total a local match of \$28,002, or 30% of the total project amount. The City will not know if the application has been awarded funding until May 2008. A total of \$400,000 has been allocated each year in the CIP to support Transportation Enhancement projects.

All projects must be approved by the Wichita Area Metropolitan Planning Organization (WAMPO) for conformity with long-range transportation plans. The Wichita City Council must also approve the filing of the application through a resolution that also states that the City accepts responsibility for coordination of these projects and is committed to funding 30% of the total project cost as a local match contribution.

Motion--
--carried

Mayans moved that the resolution of support and authorization for application submittal to KDOT be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-572

A Resolution of the City of Wichita to approve the filing of applications to the Kansas Department of Transportation for use of transportation enhancement funds set forth by the Federal Transportation Equity Act for the 21st Century and authorizing the Mayor to sign the application, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

REST STATION

TRANSPORTATION ENHANCEMENT APPLICATION: SCENIC AND ENVIRONMENTAL-REST STATION AND BEAUTIFICATION PROJECT-BLUFF STREET TO FOUNTAIN STREET. (DISTRICT I)

Agenda Report No. 05-1014

The K-96 Bike trail, completed in 2005, is located directly south of the K-96 Highway and extends from Oliver to Grove Park. The citizens of the Northeast Heights Neighborhood Association (NHNA) wish to partner with the City of Wichita to develop a rest station within their neighborhood to be located along the new trail between Bluff and Fountain Streets. This section of the K-96 Bike Path was completed in 2005 with no increased scenic area component to beautify the natural area of the path. The NHNA proposes to develop a rest area for pedestrians and cyclists and will include a sitting area, drinking fountain, and landscaping using native trees, shrubs, wildflowers and grasses.

The scenic enhancement is important to the community, encouraging increased usage by local neighborhood residents in the Northeast Heights Neighborhood Association and visitors to the area as a whole. The rest station will provide a place for quiet enjoyment of nature, conversation, relaxation, and a social area for walkers and cyclists that encourages additional exercise use in the community. It will also promote the use of native landscaping principles that will serve to be environmentally beneficial.

The cost of the rest station is estimated to cost a total of \$111,760 in 2008 dollars. If the application were granted to the City, the City would be responsible to fund a total local match of \$33,528, or 30% of the total project amount. The City will not know if the application has been awarded funding until May 2008. A total of \$400,000 has been allocated each year in the CIP to support Transportation

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Enhancement projects. Minimal additional operating costs of less than \$1,000 per year will be incurred for trash service and maintenance of improvements.

All projects must be approved by the Wichita Area Metropolitan Planning Organization (WAMPO) for conformity with long-range transportation plans. The Wichita City Council must also approve the filing of the application through a resolution that also states that the City accepts responsibility for coordination of these projects and is committed to funding 30% of the total project cost as a local match contribution.

Motion--
--carried

Mayans moved that the resolution of support and authorization for application submittal to KDOT be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-572

A Resolution of the City of Wichita to approve the filing of applications to the Kansas Department of Transportation for use of transportation enhancement funds set forth by the Federal Transportation Equity Act for the 21st Century and authorizing the Mayor to sign the application, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

BUDGET ADJUST.

BUDGET ADJUSTMENT.

Agenda Report No. 05-1015

With the continuing increases in fuel costs, it is necessary to activate the contingency funds dedicated for those activities. Current local fuel budgets have been depleted for both diesel fuel and for gasoline. KDOT funding has been secured for purchasing fuel through the end of the year once the local fuel budgets have been exhausted.

Fuel price increases have resulted in our local transit fund budget being able to cover less than three quarters of the year's operating requirements. KDOT funding has been used to cover the remaining fuel costs for the past three years.

KDOT funds are intended to supplement our local budgets and cannot be used to substitute them.

Activating the diesel fuel contingency would result in increasing the diesel fuel budget from \$352,960 to \$395,960 (a \$43,000 increase). The gasoline budget would increase from \$133,000 to \$156,430 (a \$23,430 increase).

Budget Adjustments over \$10,000 must have City Council approval.

Motion--
--carried

Mayans moved that the Budget Adjustment request to activate the contingency funds for the purchase of diesel fuel and gasoline be approved. Motion carried 7 to 0.

SECURITY

SECURITY ENHANCEMENTS.

Agenda Report No. 05-1016

The security enhancement project is included in the ten-year Capital Improvement Program and is intended to provide enhancements for the Water Utility. During the process of conducting a Vulnerability Assessment for the Water & Sewer Department and a Buffer Zone Protection Plan for the water treatment plant, needed enhancements were identified.

Primary requirements include fencing along the buffer zone for the water treatment plant and Hess pump station. Recommendations include electronic security improvements at the Water Utility facilities and providing backup power generation capability at key Water Utility facilities.

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Water System Security Improvements (CIP W-903) has a budget of \$6 million in 2005. It will be funded from future revenue bonds and/or Water Utility cash reserves.

Motion--
--carried

Mayans moved that the security enhancements for 2005 be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-573

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$6 Million exclusive of the cost of interest on borrowed money for the purpose of paying certain costs thereof and providing for the giving of notice of such intention in the manner required by law.

WATER MAIN

20-INCH WATER MAIN IN 135TH STREET WEST FROM CENTRAL TO 1/3 MILE SOUTH OF CENTRAL. (DISTRICT V)

Agenda Report No. 05-1017

The 1999 Water Master Plan identified potential water pressure problems in portions of the west Wichita water distribution system, and in growth areas in west Sedgwick County identified by the Metropolitan Area Planning Department.

On April 8, 2003, the City Council approved a Water Master Plan Update. In the process of updating the water distribution water model and analyzing the water distribution system, including the latest growth predictions, the Water Master Plan recommended a 20-inch water main to be located in 135th Street West, from Central Avenue to 1/3 mile south of Central Avenue. The water main will also be part of a water system loop in the west portion of the City and will allow for future development of the area.

The Capital Improvement Program CIP W-864 is included in the 2006 approved CIP. The budget for the project is \$150,000 and will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue.

Motion--carried

Mayans moved that the expenditure be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-574

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed One Hundred Fifty Thousand Dollars \$150.00 exclusive of the cost of interest on borrowed money for the purpose of paying certain costs thereof and providing for the giving of notice of such intention in the manner required by law.

HUMATEC

CONTRACT WITH HUMATEC.

Agenda Report No. 05-1018

The City has retained the engineering firm of NS Ventures, Ltd. d/b/a Humatec, through its employees, William N. Nelson, Stephan P. Buckley and Mark A. Hedebrecht, to provide professional advice and expert witness services for the city in pending civil rights litigation involving the Wichita Police Department.

The current contract provided for compensation not to exceed \$20,000. The additional amount is necessary for continued professional examination of the engineering aspects of the case, in preparation for trial and for services related to testimony as expert witnesses. This will be the first amendment to the

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contract. The Law Department recommends acceptance of the contract. The additional sums are necessary for the representation in city litigation matters and are reasonable in amount.

Funding for this contract is from the Tort Claims Fund.

Motion--

Mayans moved that the amendment to the agreement between the City and NS Ventures, Ltd. d/b/a Humatec to authorize payment of an additional sum of \$25,000 for the provision of additional consulting services in 2005 and 2006, together with any necessary fund transfers be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ NOVEMBER 1, 2005)

a) Nuisance Abatement Assessments.

- 1) An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.
- 2) An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

b) Industrial Revenue Bonds, Integrated Healthcare Systems, Inc. (District II)

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$16,229,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series IV, 2005 (Wichita Clinic Project) for the purpose of providing funds to acquire, construct and equip a medical office building, ambulatory surgical center and imaging facility; prescribing the form and authorizing execution of a Trust Indenture by and between the City and UMB Bank, N.A., as Trustee with respect to the bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Integrated Healthcare Systems, Inc.; approving the form of a Sublease Agreement between Integrated Healthcare Systems, Inc. and Wichita Clinic, P.A.; approving the form of a Guaranty Agreement; and authorizing the execution of a Bond Placement Agreement by and between the City, Integrated Healthcare Systems, Inc., and Intrust Bank, N.A., as purchaser of the bonds, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 1. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, and Mayans. (Fearey abstained due to conflict of interest).

c) Sewer Main Benefit Fee-Ordinance.

An Ordinance of the City of Wichita, Kansas, providing for the application of benefit fees received by the City from owners of property which benefit from certain water or sanitary sewer improvements initiated by petition pursuant to K.S.A. 12-6a04, as amended, all or a portion of the cost of which has been paid from either proceeds of Water and Sewer Utility Revenue Bonds of the City or other available funds of the Water and Sewer Utility of the City, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

(This Item was pulled from the Agenda)

- d) DR2005-00030 - Amendment to the April 19, 2001 edition of the Wichita-Sedgwick County Unified Zoning Code to amend definitions and use regulations for uses including, night clubs in the City, personal care service, personal improvement service, sexually oriented businesses, the OT-O Use regulations and taverns and drinking establishments and to nonconformities.

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- e) Home Rule Bonding Ordinance for creating the International Marketplace District.
(District VI)

An Ordinance of the City of Wichita, Kansas authorizing the issuance of its general obligation bonds to pay the costs of preparation of an International Marketplace District Plan; and authorizing and providing for the issuance of temporary improvement notes of the City from time to time as funds are needed for such purpose, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

OLD BUSINESS

EATON BLOCK

REVIEW OF ANGLE PARKING: EATON BLOCK. (DISTRICT I)

(Continued annually from 2001, 2002, 2003 and 2004)

Terry Cassady

Development Assistance Director reviewed the Item.

Agenda Report No. 05-1019

MetroPlains Development, the Eaton Place developer, requested that the City implement one-hour restricted angle parking along the south side of the 500 block of East Douglas Avenue in 2001. The purpose was to provide more parking spaces than were currently available with parallel parking to serve commercial businesses located in the renovated Eaton Hotel block. The angle parking configuration produced 22 spaces in lieu of the 9 parallel stalls. The City Council approved MetroPlains' request on a six-month trial basis beginning on January 2001. The Council's action annually in 2001, 2002, 2003 and 2004 was to continue angle parking in this block (south side) another 12-months to fully evaluate the impact of having the commercial/retail space fully leased and served, OR, until such time as additional parking in this area becomes available.

Ninety-four percent of the commercial space in the development is currently leased. This includes the Eaton Hotel lobby and ballroom which are leased to Larkspur for banquet/event facilities. Additional leases are being negotiated for tenant occupancy of the vacant space in the near future. According to MetroPlains Development, access to these parking spaces continues to be critical both as a leasing tool and a service to customers of the commercial spaces in Eaton Place. This amenity, which is usually only possible in small centers such as Eaton Place, is a requirement of prospective tenants.

The Eaton Place Manager has indicated that the restricted angle parking is being well enforced by the Wichita Ambassadors. This is keeping the spaces turning over on a regular basis and available for customers. This strict enforcement is forcing the Eaton Place residential tenants who were inclined to take advantage of the convenient free parking spaces to use parking in the lot/garage which was constructed for residential tenant parking south of the Eaton block.

According to the Wichita Police Department, there has been no significant change in the number of traffic accidents in the 500 block of East Douglas Avenue that can be directly attributed to the angle parking. The area analyzed included the 400 and 500 blocks of East Douglas including the intersections of Douglas/Emporia and Douglas/St. Francis. The 400 block was included in the analysis as this is the block where eastbound traffic merges into the center lane in order to avoid vehicles parked in the angle parking stalls. Accident summaries were compiled for the years 1998 through 2005. Total accidents in these areas for 1998 were 24; 1999 were 15; 2000 were 11 (no parallel parking was available due to Eaton block construction); for 2001 were 20; 2002 were seven; 2003 were four. Total accidents in 2004 were 19 and 2005 year to date accidents have been 17.

If the Council chooses to permanently approve the angle parking in this area, staff will continue to monitor accidents. If an increase in accidents occurs and is attributable to the angle parking, staff will return the item to the City Council for additional consideration.

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There are no financial considerations.

The City Council has the legal authority to determine parking configurations in the city.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Brewer moved that the one-hour restricted angle parking on the south side of Douglas be permanently approved. Motion carried 6 to 1. (Martz, no)

PILOT PROJECT

EXTENDED SPECIAL ASSESSMENT FINANCING PILOT PROJECT.

(Continued from November 2004)

Terry Cassady

Development Assistance Director reviewed the Item.

Agenda Report No. 05-1020

Two years ago, the Wichita Area Builders Association (WABA) requested the City Council consider extending the bond terms for special assessment debt from its current fifteen (15) years to twenty (20) years, matching a proposed change in the collection of special assessments from property owners. The goal of WABA was an extension of the term to lower monthly/annual special assessment payments especially for entry-level subdivisions with unique and extraordinary development costs and as incentives for existing neighborhoods without standard municipal improvements (i.e. paving, water/sewers, drainage, etc.).

The City Council approved a one-year extended special assessment pilot project in November 2003 and approved a subsequent one-year extension in November 2004. To date, in 2005, the City hasn't received any applications for projects that meet the program criteria.

Each application submitted for the extended 20-year special assessment financing project is reviewed by a permanent committee appointed by the City Council. The committee includes two City Council members, city staff, and representatives of the development community.

To date this year, the City received three applications for 20 year special assessment financing. None of the special assessments exceeded the threshold of acceptable special assessment costs for the price range of the houses in the subdivisions.

Mortgage rates, which are still favorable, are increasing as historically has been the case with the cyclical nature of the real estate market. In addition, due to the impact of the hurricanes on the construction industry, materials costs have increased and the availability and costs are unpredictable. For that reason, staff, in concurrence with WABA, recommends that the City Council permanently approve this financing option for residential subdivisions. This will ensure that the marketability of new entry level homes won't be compromised. Likewise, the 20-year financing structure will be in place for infrastructure projects in existing and infill projects.

Even though the program may be permanently implemented, there are no assurances that developers will be guaranteed the 20-year vs. 15 year special assessments. Use of the extended term financing is contingent upon the project meeting the eligibility criteria, being approved by the review committee and there being a sufficient number of projects in the bond sale for 20 year financing to ensure that the bonds will be sold.

Special assessment debt is a component of City General Obligation debt repaid by taxing specific benefit districts. Special assessment debt (meeting the criteria) will be spread over twenty years to property owners and will be payable at the same time as property taxes. The effect of extending the term will increase the aggregate amount of debt (new debt will be added faster than old debt will be retired) and, as can be seen from the most recent bond sale, will increase the interest cost to both property owners and the City of Wichita (longer maturity debt typically carries a higher interest rate).

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K.S.A. 12-6a10 permits the issuance of special assessment bonds for a 20-year period. The governing body has the authority to permit the issuance of 20-year bonds and may establish a policy establishing criteria for determining when such bonds shall be issued.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Wess Galyon

Wess Gaylon, President/CEO, WABA, stated that the Builders Association is supportive of Staff recommendation for approval. Stated among other positive factors, that interest rates have stayed low and we have been able to keep costs in check. Stated factors that we can't control will have an impact. We don't know what that impact will be, but we do know that keeping housing affordable has been a good thing for this and other communities. Keeping cost down so that people can afford housing has a major positive impact on the ability of cities to continue to grow, develop and expand tax bases.

Motion --

Gray moved that the 20-year special assessment program be permanently approved so that in the future as interest rates and construction prices escalate, this tool will be available to ensure the affordability of homes especially for first time homebuyers. Motion carried 7 to 0.

-- carried

UNFINISHED BUSINESS

NICE'S ADD

CONTINUATION OF PUBLIC HEARING ON PROPOSED ASSESSMENT FOR WATER DISTRIBUTION SYSTEM TO SERVE PART OF NICE'S ADDITION. 1439 N. JOANN. (DISTRICT VI)

(Deferred October 18, 2005)

David Warren

Director of Water and Sewer reviewed the Item

Agenda Report No. 05-1021

Scott McColm appeared before the City Council on October 18, 2005 to protest the assessment of a water main extension for his property at 1439 N. Joann. Mr. McColm claims that the Department of Water and Sewer Staff initially told him that there was water service available to the property. Later he found out water was not extended across that property. Mr. McColm claims Staff gave him an estimate for the work of \$900 to \$1,000. The actual assessment came to \$2,466. Mr. McColm wants the City Council to direct that the Water and Sewer Department bear the cost of the water line installation due to the error in the availability of water to the lot or that the assessment amount not exceed the original estimate. The following are facts related to this issue:

- Mr. McColm acquired the property from Lawrence Turner on January 12, 2004.
- 1439 N. Joann was created by a lot split of Lot 11 of Nice's Addition (1452 N High). The lot split applicant was Lawrence Turner. The lot split was approved on February 20, 2004.
- One of several conditions of the lot split approval was a petition for the extension of water.
- Mr. McColm signed a petition for the water service extension in the amount of \$3,500 on February 13, 2004.
- The building permit for construction of the house on this lot was issued on December 8, 2004 at which time the water tap and plant equity fees were paid.
- The work to install the water line was done by Water and Sewer Department Staff at a cost for labor, overhead, equipment and materials of \$2,221.40. An additional amount of approximately \$244.60 in the assessed amount is for administrative, legal publication, abstract and financing charges. Public Works Engineering did not charge for engineering or inspection services on this project.
- In lieu of assessment amount at the time Mr. McColm first inquired about cost was \$26.50/front foot. For a lot with 70 feet of frontage, the in lieu of amount would have been \$1,855. Had the water line existed, as Mr. McColm said he was told, he would have been required to pay this amount at the time of connection.
- In lieu of assessment amounts are payable in cash at the time water service is requested and cannot be financed by special assessments.
- Special assessments are financed at the City's interest rate for tax-exempt debt instruments over a period of 15 years. The current SA interest rate is 3.86294%. The monthly payments into an escrow

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account for the \$2,466 assessment would be approximately \$18.07.

--Mr. McColm paid approximately \$0.51/sq ft for the lot. Adding the cost of the water line to the sales price for the lot would make Mr. McColm's cost approximately \$0.82/sq ft. Lots in West and Northwest Wichita with water service in place are selling for about \$0.84/sq ft not including the cost of the water line.

The "error" as to whether or not water service was available to the property is likely a matter of interpretation. The City's computer records show a water line immediately adjacent to this property before the extension. Had the water line actually been in place, Mr. McColm would have been asked to pay a fee in lieu of assessment for the water line. Mr. McColm's property value benefits from the water line that is now in place. The City incurred an expense of \$2,466 to place the water line there for the benefit of Mr. McColm's property. If Mr. McColm does not pay for the water line that benefits his property, then the cost is borne by all other ratepayers who do not benefit from the existence of this water line.

Staff has identified the following options for the City Council to consider:

1. Uphold the special assessment of \$2,466 to 1439 N. Joann.
2. Cancel the special assessment to 1439 N. Joann and direct staff to pay the cost of the water line extension from utility cash.
3. Offer Mr. McColm the option of paying a lump sum in lieu of assessment of \$1,855 as a compromise.

Not assessing the cost of the water line to the benefiting property shifts the burden of the cost to customers who do not benefit from the improvement.

State Statutes provide the City Council authority to lower or eliminate the special assessment.

(470-899/448-89926) Construction of Water Distribution System No. 448-89926 TO SERVE NICE'S ADDITION, North of 13th, East of High, as authorized by Resolution No. R-04-141, adopted April 6, 2004, and published April 8, 2004, corrected & republished April 20, 2004. Petition for this improvement was signed by owners representing 100% of the property ownership. The Statement of Cost approved July 19, 2005, in the amount of \$2,466.00 is to be apportioned 100% payable by the improvement district to the improvement district. The cost has been assessed on a square foot basis.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Mayor Mayans

Mayor Mayans closed the public hearing.

Motion --

Fearey moved that Council uphold the special assessment in the amount of \$2,466 to 1439 North Joann and that, upon the request of the Mayor, a public emergency exists, requiring the final passage of the assessment Ordinance on the date of its introduction. Motion carried 7 to 0.

-- carried

ORDINANCE NO. 46-691

(470-899/448-89926) An Ordinance levying assessments on lots, pieces and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89926 TO SERVE NICE'S ADDITION, North of 13th, East of High. Fearey moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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NEW BUSINESS

BOEING

PUBLIC HEARING AND ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS, THE BOEING COMPANY. (DISTRICT III)

(Mayor Mayans and Council Member Brewer declared conflicts of interest and did not participate in any discussion and abstained from voting)

Allen Bell

Economic Development Administrator reviewed the Item.

Agenda Report No. 05-1022

Since 1979, the City of Wichita has approved over \$3.4 billion in Industrial Revenue bond financing, in conjunction with ad valorem tax exemptions, for manufacturing facilities operated by The Boeing Company. Following the sale of a substantial portion of manufacturing assets earlier this year, Boeing has nevertheless retained and continues to operate significant Wichita area manufacturing facilities, and continues to hold a letter of intent approved November 9, 1999 and as extended for five years on July 13, 2004. Boeing is now requesting the issuance of City of Wichita Taxable Industrial Revenue Bonds in an amount not-to-exceed \$29 million, under the authority of that Letter of Intent.

Boeing Wichita, located in Sedgwick County, Kansas, with approximately 3,900 employees and an annual payroll of \$320 million, is engaged in engineering and manufacturing support of Boeing and military aircraft modification. All Boeing Wichita sales are exported out of the state of Kansas.

Bond proceeds will be used for acquisition of new, advanced manufacturing equipment and enhancement of existing facilities. Some of the planned equipment purchases include flight data systems, avionics lab equipment and a calibration computer. Boeing advises the new equipment will have no adverse effect on Wichita's ambient air quality.

Acquisition of advanced technologies and the construction of new facilities is required for Boeing Wichita to compete for military production, in addition to sustaining on-going production programs. In these markedly different and difficult times, the bond proceeds will have an impact in stabilizing employment and will substantially assist with helping Boeing Wichita retain many critical professional, technical, and highly skilled employees. The economic impact of planned upgrades and expansion has a direct cascade effect on engineering and architect firms, machine shops, and material providers in Wichita.

The firm of Kutak Rock LLP will serve as bond counsel in the transaction. The Boeing Company will purchase the Bonds, as a result of which, there is no need for an underwriter. Boeing Wichita has agreed to comply with the Standard Conditions contained in the City's IRB Policy.

The Boeing Company agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The Boeing Company qualifies for a ten-year 100% property tax exemption on the bond financed property on the basis of membership in the local aircraft manufacturing community, level of capital investment, and 100% out-of-state sales exportation. Consistent with the intent of the City Council in its action approving the November 9, 1999 letter of intent and as extended for five years on July 13, 2004, the ten-year period of exemption is to apply without a review by the Council at the five-year point. The IRB Lease document to be approved by the Bond Ordinance has been drafted accordingly. This is consistent with all discussion had at the public hearing on the item, although references to a five-year review were inadvertently included in the November 9, 1999 minutes from a superseded agenda report.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion

Skelton closed the public hearing and moved that the Bonding Ordinance authorizing the execution and delivery of documents for the issuance of Taxable Industrial Revenue Bonds in an amount not-to-exceed \$29 million, be placed on first reading. Motion carried 5 to 2 with two (2) abstaining. (Mayans and Brewer)

-- carried

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ORDINANCE

An Ordinance approving and authorizing the execution of a Lease Agreement between The Boeing Company and the City of Wichita, Kansas; approving and authorizing the execution of an Indenture of Trust between said City and the Bank of New York Trust Company, N.A.; pledging certain payments under said Lease Agreement and moneys and securities held by the Trustee under the terms of said Indenture of Trust; authorizing and directing the issuance of Industrial Revenue Bonds Series V , 2005 (The Boeing Company Project) of said City in the principal amount of \$29,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction and improvement of certain industrial and manufacturing facilities of The Boeing Company, a Delaware Corporation, in Sedgwick County, Kansas; designating the trustee and the paying agent for said bonds; authorizing the sale of said bonds and the execution of a Bond Purchase Agreement therefor; approving and authorizing the execution of an Administrative Service Fee Agreement; and authorizing the execution and delivery of certain related instruments, introduced and under the plans laid over.

AEROSYSTEMS.

PUBLIC HEARING AND ISSUANCE OF TAXABLE INDUSTRIAL REVENUE BONDS, SPIRIT AEROSYSTEMS, INC. (DISTRICT III)

(Mayor Mayans and Council Member Brewer declared conflicts of interest and did not participate in any discussion and abstained from voting)

Allen Bell

Economic Development Administrator reviewed the Item.

Agenda Report No. 05-1023

On May 17, 2005, the City Council approved a five-year letter of intent for issuance of up to \$1 billion in Industrial Revenue Bonds to finance facilities for the benefit of Mid-Western Aircraft Systems, Inc. (now known as Spirit AeroSystems, Inc.), in the vicinity of 3801 S. Oliver. The May 17 action also included support for a ten-year period of property tax abatement and authorization for City staff to apply for sales tax exemption on the acquisition of the financed assets, all subject to the incentive recapture provisions of the City's current public incentives policy. Spirit AeroSystems, Inc. now desires the City to proceed with issuance of the first \$80 million in bonds authorized under the letter of intent.

Bond proceeds will be used to finance the ongoing modernization and expansion of the commercial aircraft manufacturing facilities Spirit AeroSystems, Inc. acquired from The Boeing Company in June of this year . The proposed expansion project and improvements will enable Spirit AeroSystems, Inc. to continue existing commercial aircraft part production programs and services, to take advantage of new technology and to compete for new aircraft part manufacturing business. Although Spirit AeroSystems, Inc. will continue to manufacture major parts systems for a variety of Boeing jetliners, including the new Boeing 787, Spirit AeroSystems, Inc. also plans to expand its operations and customer base by marketing its aircraft parts manufacturing services to other makers of commercial aircraft, as well as corporate and military aircraft. Employment levels will be determined by production requirements. Average salaries are projected to be around \$50,000 per year.

Spirit AeroSystems, Inc. intends to purchase the bonds itself, through direct placement, and the bonds will not be reoffered for sale to the public. Kutak Rock LLP of Omaha, Nebraska, engaged by Spirit AeroSystems, Inc., will serve as Bond Counsel in the transaction. Spirit AeroSystems, Inc. has agreed to comply with all conditions of the letter of intent.

Financial Considerations: Spirit AeroSystems, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The bond financed property will be eligible for sales tax exemption and property tax exemption for a term of ten years, subject to fulfillment of the conditions of the City's public incentives policy.

The City Attorney's Office has reviewed and approved the Ordinance as to form and will review and approve all final documents prior to issuance of the bonds.

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Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Mayor Mayans Mayor Mayans closed the public hearing.

Motion -- Skelton moved that the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Taxable Industrial Revenue Bonds in an amount not-to-exceed \$80 million be placed on first reading. Motion carried 5 to 2 with two abstaining. (Mayans and Brewer)

-- carried

ORDINANCE

An Ordinance approving and authorizing the execution of a Lease Agreement between Spirit Aerosystems, Inc. and the City of Wichita, Kansas; approving and authorizing the execution of an Indenture of Trust between said City and the Bank of New York Trust Company, N.A.; pledging certain payments under said Lease Agreement and moneys and securities held by the Trustee under the terms of said Indenture of Trust; authorizing and directing the issuance of Industrial Revenue Bonds Series VI, 2005 (Spirit Aerosystems, Inc. Project) of said City in the principal amount of \$80,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction and improvement of certain industrial and manufacturing facilities of Spirit Aerosystems, Inc., a Delaware Corporation, in Sedgwick County, Kansas; designating the trustee and the paying agent for said bonds; authorizing the sale of said bonds and the execution of a Bond Purchase Agreement therefor; approving and authorizing the execution of an Administrative Service Fee Agreement; and authorizing the execution and delivery of certain related instruments, introduced and under the plans laid over.

DIVERSIFIED SERVICES INC.

AUTHORIZE A SECOND FIVE-YEAR TAX EXEMPTION, DIVERSIFIED SERVICES, INC. (DISTRICT IV)

Allen Bell Economic Development Administrator reviewed the Item.

Agenda Report No. 05-1024

On December 19, 2000, City Council approved an Economic Development Tax Exemption for Diversified Services, Inc. (Diversified). Under the previous City's Business Incentive Policy, Diversified qualified for an 100 percent tax exemption for real and personal property, and 50 percent on the real property only, for a second five-year period. On December 31, 2005, the initial five-year period for tax exemption will expire. Diversified requests City Council extend the tax exemption to include the second five-years on the ad valorem tax exemption on real property only.

As a result of the tax exemption, Diversified committed to undertake an expansion consisting of acquisition of two formerly vacant buildings of 36,000 s.f. and 6,740 s.f., for additional manufacturing space, acquisition of new manufacturing equipment, and creation of 17 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

2000 Commitment

Renovate vacant building

Purchase Manufacturing Equipment
Create 17 new jobs in five years

December 31, 2005

Completed 36,000 s.f. and 6,740 s.f. facility by
December, 2000

Purchased equipment worth over 24,950
Created 20 new jobs

Staff conducted a site-monitoring visit on April 8, 2004. Diversified has exceeded its projection of 17 new permanent jobs by creating 20 new jobs. Diversified increased sales by more than 98% since 2000, and diversified its customer base.

A new cost-benefit analysis was performed and the benefit-to-cost ratios are as follow:

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City of Wichita 2.13 to one
Sedgwick County 1.34 to one
USD 259 1.00 to one
State of Kansas 5.59 to one

Under the City's new Business Incentive Policy, the Company qualifies for an 50% ad valorem tax exemption for an additional five-years on real property only.

The second five-year tax exemption on the real property in conjunction with the original expansion project is at the discretion of the Council.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Gray moved that a second five-year ad valorem tax exemption at 50 percent on real property only be approved. Motion carried 7 to 0.

RAND GRAPHICS

AUTHORIZE A SECOND FIVE-YEAR EXEMPTION, RAND GRAPHICS, INC. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the Item.

Agenda Report No. 05-1025

On December 21, 1999, City Council approved an Economic Development Tax Exemption (EDX) for Rand Graphics, Inc. (Rand) to assist with expansion of the companies manufacturing operations. Under the previous City's Business Incentive Policy, Rand qualified for an 85 percent tax exemption for real and personal property, and 85 percent for a second five-year period. On December 31, 2005, the initial five-year period for tax exemption will expire. Rand requests City Council extend the tax exemption to include the second five-years on the ad valorem tax exemption on real and personal property.

As a result of the tax exemption, Rand committed to undertake an expansion consisting of construction of a 10,395 s. f. addition to their manufacturing facility located at 500 S. Florence, a 5,000 s.f. addition on the second level of the same facility, purchase of machinery and equipment, and creation of 30 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

1999 Commitment

Construct new manufacturing space

Purchase Manufacturing Equipment

Create 30 new jobs in five years

December 31, 2005

Completed 10,395 s.f. facility by December, 2000

Completed 5,000 s.f. facility by December, 2000

Purchased equipment worth over 150,000

Created 27 new jobs

Staff conducted a site-monitoring visit on September 25, 2003. Rand has come nearly close to meeting its projection of 30 new permanent jobs by creating 27 new jobs. Rand increased sales by more than 24% since 1999, and diversified its customer base.

A new cost-benefit analysis was performed and the benefit-to-cost ratios are as follow:

City of Wichita 1.28 to one
Sedgwick County 1.21 to one
USD 259 1.18 to one
State of Kansas 2.86 to one

Under the City's new Business Incentive Policy, the Company qualifies for an 85% ad valorem tax exemption for an additional five-years on the real and personal property.

The second five-year tax exemption on the real and personal property in conjunction with the original expansion project is at the discretion of the Council.

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Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Gray moved that a second five-year ad valorem tax exemption at 85 percent on the real and personal property be approved. Motion carried 7 to 0.

PERFEKTA, INC.

**AUTHORIZE A SECOND FIVE-YEAR TAX EXEMPTION, PERFEKTA, INC.
(DISTRICT VI)**

Allen Bell

Economic Development Administrator reviewed the Item.

Agenda Report No. 05-1026

On December 19, 2000, City Council approved an Economic Development Tax Exemption (EDX) for Perfekta, Inc. (Perfekta). Under the previous City's Business Incentive Policy, Perfekta qualified for a 100 percent tax exemption for real and personal property, and 50 percent on the real property only, for a second five-year period. On December 31, 2005, the initial five-year period for tax exemption will expire. Perfekta requests City Council extend the tax exemption to include the second five-years on the ad valorem tax exemption on real property only.

As a result of the tax exemption, Perfekta committed to undertake an expansion consisting of acquisition of an existing building and manufacturing equipment located at 480 E. 21st Street, and creation of 8 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

1999 Commitment

Renovate vacant building

Purchase Manufacturing Equipment
Create 8 new jobs in five years

December 31, 2005

Completed renovation of a 70,000 s.f. facility by
December, 2000

Purchased equipment worth over 537,352
Created 10 new jobs

Staff conducted a site-monitoring visit on July 31, 2003. Perfekta has exceeded its projection of 8 new permanent jobs by creating 10 new jobs. Perfekta increased sales by more than 52% since 2000, and diversified its customer base.

A new cost-benefit analysis was performed and the benefit-to-cost ratios are as follow:

City of Wichita	1.40 to one
Sedgwick County	1.13 to one
USD 259	1.03 to one
State of Kansas	3.97 to one

Under the City's new Business Incentive Policy, the Company qualifies for a 50% ad valorem tax exemption for an additional five-years on real property only.

The second five-year tax exemption on the real property in conjunction with the original expansion project is at the discretion of the Council.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Fearey moved that a second five-year ad valorem tax exemption at 50 percent on real property only be approved. Motion carried 7 to 0.

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COMMERCIAL AIRCRAFT PROD.

AUTHORIZE A SECOND FIVE-YEAR TAX EXEMPTION, COMMERCIAL AIRCRAFT PRODUCTS, INC. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the Item.

Agenda Report No. 05-1027

On March 27, 2001, City Council approved an Economic Development Tax Exemption for Commercial Aircraft Products, Inc. (Commercial Aircraft). Under the previous City's Business Incentive Policy, Commercial Aircraft qualified for a 79.5 percent tax exemption for real and personal property, and 39.75 percent on the real property only, for a second five-year period. On December 31, 2005, the initial five-year period for tax exemption will expire. Commercial Aircraft requests City Council extend the tax exemption to include the second five-years on the ad valorem tax exemption on real property only.

As a result of the tax exemption, Commercial Aircraft committed to undertake an expansion consisting of construction of a 23,900 s.f. additional manufacturing space, and acquisition of new manufacturing equipment, and creation of 5 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

2000 Commitment

Construction of building addition
Purchase Manufacturing Equipment
Create 5 new jobs in five years

December 31, 2005

Completed 23,900 s.f. facility by December, 2000
Purchased equipment worth over 516,398
Created 9 new jobs

Staff conducted a site-monitoring visit on July 14, 2005. Commercial Aircraft has exceeded its projection of 5 new permanent jobs by creating 9 new jobs. Commercial Aircraft increased sales by more than 34% since 2000, and diversified its customer base.

A new cost-benefit analysis was performed and the benefit-to-cost ratios are as follow:

City of Wichita	1.73 to one
Sedgwick County	1.46 to one
USD 259	1.35 to one
State of Kansas	4.69 to one

Under the City's new Business Incentive Policy, the Company qualifies for a 39.75% ad valorem tax exemption for an additional five-years on real property only.

The second five-year tax exemption on the real property in conjunction with the original expansion project is at the discretion of the Council.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Gray moved that a second five-year ad valorem tax exemption at 39.75 percent on real property only be approved. Motion carried 7 to 0.

CHAMPION IND.

AUTHORIZE A SECOND FIVE-YEAR EXEMPTION, CHAMPION INDUSTRIES, INC. (DISTRICT IV)

Allen Bell

Economic Development Administrator reviewed the Item.

Agenda Report No. 05-1028

On December 19, 2000, City Council approved an Economic Development Tax Exemption for Champion Industries, Inc. Under the previous City's Business Incentive Policy, Champion Industries qualified for a 89.5 percent tax exemption for real and personal property, and 44.75 percent on the real

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property only, for a second five-year period. On December 31, 2005, the initial five-year period for tax exemption will expire. Champion Industries requests City Council extend the tax exemption to include the second five-years on the ad valorem tax exemption on real property only.

As a result of the tax exemption, Champion Industries committed to undertake an expansion consisting of Acquisition of an existing building, and purchase of new manufacturing equipment, and creation of 9 new jobs within five years. A measure of initial project commitments and outcomes are as follows:

2000 Commitment

Renovate Vacant building:

Purchase Manufacturing Equipment

Create 9 new jobs in five years

December 31, 2005

Completed renovation of a 60,900 s.f. facility by December, 2000

Purchased equipment worth over 995,600

Created 9 new jobs

Staff conducted a site-monitoring visit on March 24, 2005. Champion Industries has met its projection of 9 new permanent jobs by creating 9 new jobs. Champion Industries increased sales by more than 89.6% since 2000, and diversified its customer base.

A new cost-benefit analysis was performed and the benefit-to-cost ratios are as follow:

City of Wichita 1.99 to one

Sedgwick County 1.40 to one

USD 259 1.31 to one

State of Kansas 4.07 to one

Under the City's new Business Incentive Policy, the Company qualifies for a 44.75% ad valorem tax exemption for an additional five-years on real property only.

The second five-year tax exemption on the real property in conjunction with the original expansion project is at the discretion of the Council.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --
-- carried

Gray moved that a second five-year ad valorem tax exemption at 44.75 percent on real property only be approved. Motion carried 7 to 0.

Council Member Skelton temporarily absent.

SALE OF WATER

AGREEMENT FOR SALE OF WATER.

David Warren

Director of Water and Sewer reviewed the Item

Agenda Report No. 05-1029

On June 5, 2001, the City of Wichita entered into a wholesale water service Agreement with the El Paso Water Co. and by extension, the City of Derby. As part of the Agreement, service area boundaries were established that stipulated Derby had the right to serve water to customers within the stated service area boundaries.

Local developer, Jay Russell, has expressed an interest in developing property that can generally be described as located at 63rd Street, east of the Arkansas River. The property is located in El Paso/Derby's service area boundaries, but the proximity of El Paso/Derby's water distribution system to the subject property makes service from them prohibitively expensive at this time. Hence, Jay Russell approached El Paso/Derby and Wichita concerning the possibility of having Wichita provide service to the property.

The Agreement, approved by Derby's City Council, provides for service by Wichita within the

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El Paso/Derby service area. It is stipulated, however, that said service shall be provided only within the area defined in the Agreement, and that Wichita will issue bills to customers within this area at standard applicable rates. Further, Wichita will pay Derby an amount equal to five (5) percent of all revenue derived from these customers. Said Agreement shall be in effect until 2022, at which time the current wholesale water service Agreement with El Paso/Derby will expire.

An additional provision in the Agreement is that Wichita may annex the area defined, if potable water service is extended to the area by Wichita.

There will be no negative impact to existing Water Utility customers, since it will result in an expansion of the Utility's retail customer base. In addition, annexation of the subject area includes 109 single-family lots on 51.4 acres and will expand the City's tax base.

Motion --

Mayans moved that the Agreement between El Paso Water Co., Inc. and the City of Derby providing for the sale of water by Wichita be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

PLANNING AGENDA

Motion-- carried

Mayans moved that Planning Consent Items 33, 34 and 35 be approved as presented and that Items 30, 31 and 32 be withheld for discussion. Motion carried 7 to 0.

(Agenda Item #30)
ZON2005-00036

ZON2005-00036-ZONE CHANGE FROM GENERAL OFFICE TO NEIGHBORHOOD RETAIL. GENERALLY LOCATED 200 FEET WEST OF BATTIN, NORTH OF EAST CENTRAL. (DISTRICT I)

John Schlegel

Planning Director reviewed the Item.

Agenda Report No. 05-1030

MAPC Recommendations:	Approve, vote (9-1).
MAPD Staff Recommendations:	Approve.
DAB Recommendations:	Not applicable.

The applicant is seeking NR Neighborhood Retail zoning to make the property located 200 feet west of Battin and north of Central attractive to a broader range of tenants than allowed by the current GO General Office zoning. The application area is .52 of an acre in size. The subject site is platted as the Dan Morgen Addition, and is developed with two office buildings and onsite parking. The applicant's ownership has one access point, and shares a second access point with the ownership located to the west.

Surrounding land is zoned SF-5 Single-family Residential (north), B Multi-family Residential (south) and GO General Office (east and west), and developed with offices and residences. The closest commercial zoning to the application area is Limited Commercial zoning located approximately 219 feet to the west. Central Avenue is a major four-lane east-west traffic way through east central Wichita, from Main to Rock Road, carrying about 22,000 average daily trips.

The GO and NR zoning districts share the same signage controls. The primary land use difference between the two districts lies in the fact that the NR district allows retail sales and restaurant uses as a use "by right" while the GO district does not permit these uses. Special NR district regulations restrict individual commercial uses to a maximum size of 8,000 square feet. Supplemental use regulations limit restaurants to a maximum size of 2,000 square feet, and they cannot provide drive-up window service or in-vehicle food service. Outdoor commercial storage or display is not permitted in the NR district. Compatibility setback standards are required. The existing buildings are setback approximately 34 feet from the north property line. Twenty-five feet is the maximum compatibility setback required.

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The Metropolitan Area Planning Commission reviewed this request on October 6, 2005, and they recommended approval. No one from the general public appeared to speak against the request, however one person representing Clifton Square, LLC and Barrington Elms, LP submitted a letter of protest. The letter includes allegations that the Planning Department somehow approved and encouraged the applicant to leave Clifton Square in favor of the application area. The applicant had departed from Clifton Square before planning staff was ever contacted. The letter objects to the request on the basis the proposed rezoning will provide more competition for existing retail centers and the current zoning is appropriate for the application area. The protest received represents 5.69% of the protest area. Because the protest represents less than 20% of the protest area, a vote totaling a simple majority of the members of the governing body can approve the requested zoning change.

There are no financial considerations to the City.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --

-- carried

Brewer moved that the findings of the MAPC be adopted, the zone change be approved, and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, introduced and under the plans laid over. (ZON 2005-00036)

(Agenda Item #31)

ZON2005-00039

ZON2005-00039-ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO OFFICE WAREHOUSE WITH A PROTECTIVE OVERLAY. GENERALLY LOCATED MIDWAY BETWEEN MERIDIAN AVENUE AND WEST STREET, 150-FEET SOUTH OF CENTRAL AVENUE. (DISTRICT VI)

John Schlegel

Planning Director reviewed the Item.

Agenda Report No. 05-1031

MAPC Recommendations: Approve, subject to the provisions of the Protective Overlay #163 (10-0).

MAPD Staff Recommendations: Approve, subject to the provisions of the Protective Overlay #163
DAB Recommendations: Deny (6-5).

The applicant requests "OW" Office Warehouse zoning, with a Protective Overlay ("PO"), for Lot 2, Block A, Peacock 2nd Addition. The undeveloped lot is currently zoned "B" Multi-family Residential. The applicant proposes to develop the lot with a 2,000 square foot building, using 1,600 square feet for office and 400 square feet for storage and shipping. These facilities will be used by a wholesale business that receives, stores, sells and delivers ball bearings as ordered by other firms. As described, the proposed use is considered a Wholesale or Business Service (Art.II, Sec.II-B.o). The "OW" district permits Wholesale or Business Services as a use by right. The "OW" district is intended to provide office and warehousing space for the building trades and similar businesses with operating characteristics that do not require highly visible locations or vehicular access required by retail or high intensity office uses. The "PO" proposed by the applicant would restrict the other uses on the site to a church or place of worship, day care limited and general, group home limited and general, library, parks and recreation, automated telling machine, bank or financial institution, bed and breakfast inn, medical service, general office, commercial parking, personal care service, personal improvement services, printing and copying limited, restaurant no more than 2,000 square feet in size and having no drive through or in-vehicle food service (subject to Art.III, Sec.III-D.6.t) and wholesale or business services.

There is one way in and out of the neighborhood that the site backs into, via Westridge Drive, south off of Central Avenue. Westridge is a short (540 feet long), dirt and gravel residential street that dead ends at its intersection with Newell Avenue. Newell and Donna Avenues are the only streets that intersect

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with Westridge in this small neighborhood. Both are dirt and gravel streets, short (300 to 400 feet long) and both dead-end against undeveloped, platted and unplatted, residentially zoned properties. The zoning in this small, contained neighborhood is a mix of "SF-5", "TF-3" Duplex residential, and one undeveloped "MF-29" Multi-family Residential zoned lot, plus the undeveloped "B" subject site. The "SF-5" and "TF-3" zoned properties are developed as single-family residences and duplexes. There are two lots currently being developed as duplexes. Several properties in the neighborhood have large, freestanding accessory buildings next to their residences. Properties abutting and adjacent to the north side of the site are zoned "GO" General Office and "LC" Limited Commercial. Development north of the site includes free standing holistic medicine office, retail and office. The site currently has access onto Central Avenue and Donna Street.

DAB VI considered the request at their October 3, 2005 meeting and recommended denial (6-5) for the requested "OW" zoning with the recommended provisions of Protective Overlay (PO) #163. The provisions of PO #163 are:

- (1) Permitted uses are wholesale or business services, a church or place of worship, day care limited and general, group home limited and general, library, parks and recreation, automated telling machine, bank or financial institution, bed and breakfast inn, medical service, general office, commercial parking, personal care service, personal improvement services, printing & copying limited, and restaurants no more than 2,000-square feet in size and having no drive through or in-vehicle food service (Art.III, Sec.III-D.6.t).
- (2) No outside storage or display.
- (3) Dedication by separate instrument of complete access control along the south side of the site, where it abuts the north side of Donna Avenue. Access onto the site will be from Central Avenue.
- (4) Solid screening, a minimum of 6-feet in height, will be provided along the east, south and west sides of the property where abutting or adjacent to residential zoning.
- (5) Landscaping will be per the Landscape Ordinance, along the east, west and south sides of the site, where abutting or adjacent to residential zoning.
- (6) 35-foot maximum height for all structures.
- (7) Compatibility setback standards will apply to the site's west side. The platted 20-foot setback will remain in place on the site's south side. A minimum of a 5-foot setback will be in effect along the site's east side.
- (8) Lighting will be per the Unified Zoning Code, including a maximum height of 14-feet for any pole lighting. Pole lights will be located behind the setbacks, as noted along the site's east, south and west sides.
- (9) Signage will be per the "NR" Neighborhood Retail zoning district, with no portable signs.

The DAB found the extension of non-residential zoning on the site was not compatible with the existing "SF-5", MF-29" and "TF-3" zoning abutting the site's west and east sides and adjacent (across Donna Street) to its south side. The DAB was also concerned that the dedication of complete access control along the site's Donna Street frontage would, in the future, hinder its paving. No member of the public was in attendance at the DAB meeting to speak against the requested zoning change. Staff had received no phone calls or written protest to the requested zone change prior to the DAB meeting.

The Metropolitan Area Planning Commission at their October 6, 2005 meeting recommended approval, 10-0, of the requested "OW" zoning with the provisions of Protective Overlay (PO) #163. No one spoke in opposition to the zoning change at the MAPC meeting and no phone calls were received protesting the proposed zone change.

There are no financial considerations.

A dedication, by separate instrument, of complete access control along the south side of the site, where it abuts the north side of Donna Avenue will be recorded with the Register of Deeds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --

Fearey moved that Council concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of the Protective Overlay District; and that the ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

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ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, introduced and under the plans laid over. (ZON 2005-00039)

(Agenda Item #32)
DR2005-03

DR2005-03-PROPOSED AMENDMENTS TO THE WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATIONS.

John Schlegel

Planning Director reviewed the Item.

Agenda Report No. 05-1032

Staff Recommendation: Approve the amendments.

MAPC Recommendation: Approve amendments. (10 to 0)

The Urban Fringe Development Policy was approved by the Wichita City Council and the Sedgwick-County Board of County Commissioners in December of 2004. The proposed amendment incorporates this policy into the Subdivision Regulations. The amendments address water supply and service, community sewer systems and arterial paving. In addition, as requested by both governing bodies, the Lot Bundling Regulations have been eliminated.

The amendments to the Wichita-Sedgwick County Subdivision Regulations will affect properties both inside the city limits and in the unincorporated areas of Sedgwick County. Both the City Council and the Sedgwick County Commission will need to approve the amendments in order for them to be in full effect. Legal Departments for both the City and the County have reviewed the amendments and approved as to form the respective adopting Ordinance and Resolution.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion --

Mayans moved that the amendments to the Wichita-Sedgwick County Subdivision Regulations be approved; the necessary signatures be authorized; and the Ordinance be placed on first reading.

-- carried

Motion carried 7 to 0.

ORDINANCE

An Ordinance amending the "Wichita-Sedgwick County Subdivision Regulations, January 28, 1999 Edition," as adopted by reference in City of Wichita Code Sec. 28.05.010, introduced and under the plans laid over.

SUB2005-45

SUB2005-45-PLAT OF FALCON FALLS COMMERCIAL ADDITION, LOCATED ON THE NORTHWEST CORNER OF HILLSIDE AND 45TH STREET NORTH. (DISTRICT I)

Agenda Report No. 05-1033

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of two lots on 20.46 acres, and is located within Wichita's city limits. A zone change (ZON 2005-10) from SF-5, Single-family Residential District and LC, Limited Commercial District to LC, Limited Commercial District was approved. The Falcon Falls Commercial Community Unit Plan (CUP 2005-14/DP-283) was also approved for the site, and a CUP Certificate has been submitted.

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Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water main, drainage, left-turn lane and pavement improvements. In accordance with the CUP approval, a Cross-lot Access and Easement was submitted to assure internal vehicular movement between the lots.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

There are no financial considerations.

The CUP Certificate, Certificate of Petitions and Cross-lot Access and Easement will be recorded with the Register of Deeds.

Motion --

Mayans moved that the documents and Plat be approved, the Resolutions be adopted; the Ordinance be placed on first reading with publication being withheld until the Plat has been recorded with the Register of Deeds; and the necessary signatures be authorized.. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 05-575

Resolution of findings of advisability and Resolution authorizing construction of lateral 8, Main 13, Sanitary Sewer No.23 (North of 45th Street North, west of Hillside) 468-84094 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-576

Resolution of findings of advisability and Resolution authorizing constructing a left turn lane along 45th Street North from Hillside Ave. to the west line of the Falcon Falls Addition, to serve the residential and commercial portions of the Flacon Falls Development (North of 45th Street North, West of Hillside) 472-84268, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-577

Resolution of findings of advisability and Resolution authorizing constructing a left turn lane along Hillside Ave. to serve Lots 1 and 2, Block A, Falcon Falls Commercial Addition (north of 45th Street North, West of Hillside) 472-84313, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, introduced and under the plans laid over.
(ZON 2005-10)

SUB2005-63

SUB2005-63-PLAT OF COUNTRY HOLLOW ADDITION, LOCATED ON THE NORTHWEST CORNER OF HILLSIDE AND 45TH STREET NORTH. (DISTRICT II)

Agenda Report No. 05-1034

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

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This site, consisting of 188 lots on 112.2 acres, has recently been annexed into Wichita's city limits. This site is zoned SF-5, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sanitary sewer, drainage, municipal water, paving and traffic improvements. As requested by City Engineering, an Off-site Drainage Agreement has been submitted. A Restrictive Covenant was submitted to provide for the creation of a Lot Owners' Association for the ownership and maintenance of the proposed reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Off-site Drainage Agreement and Restrictive Covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Mayans moved that the documents and Plat be approved and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-578

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90142, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-579

Resolution of findings of advisability and Resolution authorizing construction of Lateral 388, Four Mile Creek Sewer (south of Kellogg, east of 127th Street East) 468-84104 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-580

Resolution of findings of advisability and Resolution authorizing construction of Lateral 386, Four Mile Creek Sewer (south of Kellogg, east of 127th Street East) 468-84102, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-581

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 281 (south of Kellogg, east of 127th Street East) 468-84114, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-582

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 280 (south of Kellogg, east of 127th Street East) 468-84113, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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RESOLUTION NO. 05-583

Resolution of findings of advisability and Resolution authorizing constructing pavement on Peckham/Laguna/Sierra Hills from the south line of Gilbert to the north line of Lot 20, Block 3; paving Peckham Court serving Lots 1 through 15, Block 2, from the west line of Peckham to and including the cul-de-sac; paving Peckham Court serving Lots 16 through 27, block 2, from the west line of Peckham to and including the cul-de-sac; and paving Laguna from the east line of Lot 36, Block 2 to 237 East of the east line of Lot 36, Block 2 (south of Kellogg, east of 127th Street East) 472-84328, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

SUB2005-78

SUB2005-78-PLAT OF FALCON FALLS THIRD ADDITION, LOCATED ON THE NORTH SIDE OF 45TH STREET NORTH AND ON THE WEST SIDE OF HILLSIDE. (DISTRICT I)

Agenda Report No. 05-1035

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of 145 lots on 93.39 acres, is located in Wichita's city limits. This site is zoned SF-5, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for sewer, water, paving and left-turn lane improvements. A Restrictive Covenant was submitted referencing limitations on lot developments until FEMA's approval. Restrictive Covenants were submitted to 1) provide for the creation of a Lot Owners' Association for the ownership and maintenance of the proposed reserves; and 2) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion --
-- carried

Mayans moved that the documents and Plat be approved; the Resolutions be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-585

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90128 (north of 45th Street North, west of Hillside), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-586

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90129 (north of 45th Street North, west of Hillside), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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RESOLUTION NO. 05-587

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90105 (north of 45th Street North, west of Hillside), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-588

Resolution of findings of advisability and Resolution authorizing improving Storm Water Sewer No. 620 (north of 45th Street North, west of Hillside) 468-84101, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-589

Resolution of findings of advisability and Resolution authorizing improving Storm Water Sewer No. 619 (north of 45th Street North, west of Hillside) 468-84100, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-590

Resolution of findings of advisability and Resolution authorizing improving Storm Water Sewer No. 618 (north of 45th Street North, west of Hillside) 468-84099, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-591

Resolution of findings of advisability and Resolution authorizing construction of Lateral 11, Main 13, Sanitary Sewer No. 23 (north of 45th Street North, west of Hillside) 468-84098, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-592

Resolution of findings of advisability and Resolution authorizing construction of Lateral 10, Main 13, Sanitary Sewer No. 23 (north of 45th Street North, west of Hillside) 468-84097, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-593

Resolution of findings of advisability and Resolution authorizing construction of Lateral 7, Main 13, Sanitary Sewer No. 23 (north of 45th Street North, west of Hillside) 468-84066, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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RESOLUTION NO. 05-594

Resolution of findings of advisability and Resolution authorizing construction of Lateral 9, Main 13, Sanitary Sewer No. 23 (north of 45th Street North, west of Hillside) 468-84096, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-595

Resolution of findings of advisability and Resolution authorizing constructing pavement on Marblefalls from the south line of the Plat, north to the roundabout, on Hobby from the west line of Marblefalls to the north line of Mantane, and on Mantane from the west line of Hobby, east to the roundabout and that sidewalk be constructed on Marblefalls, Hobby and Mantane (north of 45th Street North, west of Hillside) 472-84324, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-596

Resolution of findings of advisability and Resolution authorizing constructing pavement on Saker from the west line of Marblefalls, north to the south line of Mantane, and on Mantane from the west line of Saker, east to the west line of Hobby and on Marblefalls Ct., from the west line of Marblegalls, north to and including the cul-de-sac, and on Saker Cir. From the north line of Saker, north to and including the cul-de-sac and that sidewalk be constructed on Saker and Mantane (north of 45th Street North, west of Hillside) 472-84325, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-597

Resolution of findings of advisability and Resolution authorizing constructing pavement on Mantane from the west line of Lot 25, Block B, east to the east line of Peregrine on Peregrine from the south line of Mantane, north to the north line of the Plat, and on Peregrine Ct. from the west line of Peregrine, west to include the cul-de-sac and on Mantane Ct. from the south line of Mantane Cir. south to and including the cul-de-sac, and on Mantane Cir. From the south line of Mantane, east and north to and including the cul-de-sac and that sidewalk be constructed on Peregrine and Mantane (north of 45th Street North, west of Hillside) 472-84326, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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APPOINTMENTS

BOARD APPOINTMENTS.

Fearey

Fearey appointed Kenneth Bengston, Roger Brown, David Butler, Howard Ellington, Barry George, Rob Hartman, Phil Meyer, Tom D. Montgomery, Craig Rhodes, Mike Thompson and Kent Williams be appointed to the Arts Design Council.

Motion – carried

Mayans moved that the appointments be approved. Motion carried 7 to 0.

Adjournment

The City Council meeting adjourned at 10:42 a.m.

Respectfully submitted,

Patsy Ellis
Deputy City Clerk

Workshop followed in the Boardroom